



March 18, 2005

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## ENGROSSED SENATE BILL No. 420

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DIGEST OF SB 420 (Updated March 16, 2005 2:31 pm - DI 107)

**Citations Affected:** IC 12-13; IC 12-17.2; IC 31-33; noncode.

**Synopsis:** Child care supervision and child caseworker caseload ratios. Prohibits the inclusion of a child care home's address on the division of family and children's Internet website. Allows for either emergency lighting or illuminated exit signs in class I and class II child care homes. Specifies situations that meet the state requirement of continuous supervision for child care homes. Establishes maximum caseload ratios for child protection caseworkers. Requires local child protection services to maintain sufficient staff to comply with the maximum caseload ratios. Requires the division of family and children to: (1) report to the budget committee and legislative council concerning child protection caseworker caseloads every three months; and (2) report to legislative council and to the health finance commission concerning education levels and salaries of child protection caseworkers and supervisors of child protection caseworkers.

**Effective:** July 1, 2005.

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**Lawson C, Craycraft, Breaux**

(HOUSE SPONSORS — BUDAK, CRAWFORD, KOCH, WALORSKI,  
BECKER)

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January 13, 2005, read first time and referred to Committee on Health and Provider Services.

January 27, 2005, amended, reported favorably — Do Pass.

January 31, 2005, read second time, ordered engrossed.

February 1, 2005, engrossed.

February 3, 2005, return to second reading.

February 7, 2005, reread second time, amended, ordered engrossed.

February 8, 2005, engrossed. Read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 8, 2005, read first time and referred to Committee on Family, Children and Human Affairs.

March 17, 2005, amended, reported — Do Pass.

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ES 420—LS 7762/DI 109+



March 18, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 420

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A BILL FOR AN ACT to amend the Indiana Code concerning children.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-13-14.5-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. One (1) time every  
3 ~~six (6)~~ **three (3)** months, the division shall submit a report to the  
4 budget committee and to the ~~general assembly~~ **legislative council** that  
5 provides data and statistical information regarding caseloads for each  
6 county for child protection caseworkers, child welfare caseworkers and  
7 other caseworkers under the jurisdiction of the division of family and  
8 children, department of family and social services during the preceding  
9 ~~six (6)~~ **three (3)** months. A report submitted under this section to the  
10 ~~general assembly~~ **legislative council** must be in an electronic format  
11 under IC 5-14-6.

12 SECTION 2. IC 12-13-14.5-3.5 IS ADDED TO THE INDIANA  
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. (a) This section applies after**  
15 **June 30, 2008.**

16 **(b) A child protection caseworker or a child welfare caseworker**  
17 **may not be assigned work that exceeds the following maximum**

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caseload levels at any time:

(1) For caseworkers assigned only initial assessments, including investigations of an allegation of child abuse or neglect, twelve (12) active cases per month per caseworker.

(2) For caseworkers assigned only ongoing cases, seventeen (17) active families per caseworker.

(3) For caseworkers assigned a combination of initial assessments and ongoing cases under subdivisions (1) and (2), four (4) assessments and ten (10) active ongoing cases per caseworker.

(c) The local child protection service shall comply with the maximum caseload ratios described in subsection (b).

SECTION 3. IC 12-17.2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The division shall perform the following duties:

(1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.

(2) Ensure that a national criminal history background check of the applicant is completed through the state police department under ~~IC 5-2-5-15~~ **IC 10-13-3-39** before issuing a license.

(3) Ensure that a criminal history background check of a child care ministry applicant for registration is completed before registering the child care ministry.

(4) Provide for the issuance, denial, suspension, and revocation of licenses.

(5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.

(6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(7) Deposit all license application fees collected under section 2 of this chapter in the child care fund.

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

(9) Provide, not later than January 1, 2004, an Internet site through which members of the public may obtain the following information:

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(A) Information concerning violations of this article by a licensed child care provider, including:

- (i) the identity of the child care provider;
- (ii) the date of the violation; and
- (iii) action taken by the division in response to the violation.

(B) Current status of a child care provider's license.

(C) Other relevant information.

**The Internet site may not contain the address of the child care home. However, the site may include the county in which the child care home is located.**

SECTION 4. IC 12-17.2-5-6.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.3. (a) To qualify for a license to operate a class I child care home under this chapter, a person must do the following:

(1) Provide documentation to the division that the licensee has received a high school diploma or a high school equivalency certificate as described in IC 12-14-5-2.

(2) Provide documentation to the division that the licensee:

(A) has completed;

(B) is enrolled in; or

(C) agrees to complete within the next three (3) years;

a child development associate credential program or a similar program approved by the division.

The division may grant a waiver or variance of the requirement under subdivision (2).

(b) A class I child care home may serve a school age child during a break in the school year that exceeds four (4) weeks if the following conditions are met:

(1) The school age child:

(A) was in the home part time during the four (4) months preceding the break; or

(B) has a sibling attending the child care home.

(2) The child care home meets the following requirements:

(A) Provides at least thirty-five (35) square feet for each child.

(B) Maintains the child to staff ratio required under rules adopted by the division for each age group of children in attendance.

(C) Provides age appropriate toys, games, equipment, and activities for each age group of children enrolled.

(D) If the licensee does not reside in the child care home, the child care home has:

- (i) at least two (2) exits that comply with the exit

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requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission; **and**

(ii) an illuminated exit sign over each required exit ~~and or~~ ~~(iii)~~ emergency lighting for each required exit.

(3) The licensee for the child care home has maintained a class I child care home license for at least twelve (12) children:

(A) for at least one (1) year; and

(B) without any citations for noncompliance.

SECTION 5. IC 12-17.2-5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

(1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(2) Provide a smoke detection system that is:

(A) hard wired to the building's electrical system; and

(B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.

(3) Provide a fire extinguisher in each room that is used to provide child care services.

(4) Meet:

(A) the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission, **except for any illumination requirements**, in effect at the time the class II child care home provider **initially** applies for licensure; **and**

(B) the illumination requirements established in section 6.3(b)(2)(D) of this chapter.

(5) Provide a minimum of thirty-five (35) square feet for each child.

(6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(7) Apply for a license before July 1, 1996, or after June 30, 2001.

(8) Comply with rules adopted by the division of family and children for class II child care homes.

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(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

- (1) a class I child care home license; or
- (2) at least one (1) year of experience as a caregiver in a child care home or child care center.

SECTION 6. IC 12-17.2-5-17.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.5. A licensee shall ensure that a child in the licensee's care is continually supervised by a caregiver **by ensuring the child is in the caregiver's hearing or line of sight at all times.**

SECTION 7. IC 31-33-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a)** The local child protection service:

- (1) must have sufficient qualified and trained staff to fulfill the purpose of this article;
- (2) must be organized to maximize the continuity of responsibility, care, and service of individual caseworkers toward individual children and families;
- (3) must provide training to representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and
- (4) must provide training to representatives of the child protective services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an investigation of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article I, Section 11 of the Constitution of the State of Indiana.

**(b) This section expires June 30, 2008.**

SECTION 8. IC 31-33-2-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. **(a) This section applies after June 30, 2008.**

**(b) The local child protection service:**

- (1) must have sufficient qualified and trained staff to:**
  - (A) fulfill the purpose of this article; and**
  - (B) comply with the maximum caseload ratios for:**
    - (i) child protection caseworkers; and**
    - (ii) child welfare caseworkers;**
- set forth in IC 12-13-14.5-3.5;**
- (2) must be organized to maximize the continuity of**

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responsibility, care, and service of individual caseworkers toward individual children and families;

(3) must provide training to representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and

(4) must provide training to representatives of the child protective services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an investigation of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article 1, Section 11 of the Constitution of the State of Indiana.

SECTION 9. [EFFECTIVE JULY 1, 2005] (a) The division of family and children shall submit a report to the legislative council and the health finance commission established by IC 2-5-23-3 that contains statistics concerning the education levels and salaries of all:

(1) child protection caseworkers and child welfare caseworkers; and

(2) child protection caseworker and child welfare caseworker supervisors;

not later than September 1, 2005.

(b) The report required by subsection (a) must be in an electronic format under IC 5-14-6.

(c) This SECTION expires December 31, 2005.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 420, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-17.2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The division shall perform the following duties:

- (1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.
- (2) Ensure that a national criminal history background check of the applicant is completed through the state police department under IC 5-2-5-15 before issuing a license.
- (3) Ensure that a criminal history background check of a child care ministry applicant for registration is completed before registering the child care ministry.
- (4) Provide for the issuance, denial, suspension, and revocation of licenses.
- (5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.
- (6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.
- (7) Deposit all license application fees collected under section 2 of this chapter in the child care fund.
- (8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.
- (9) Provide, not later than January 1, 2004, an Internet site through which members of the public may obtain the following information:
  - (A) Information concerning violations of this article by a licensed child care provider, including:
    - (i) the identity of the child care provider;
    - (ii) the date of the violation; and

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- (iii) action taken by the division in response to the violation.
- (B) Current status of a child care provider's license.
- (C) Other relevant information.

**The Internet site may not contain the address of the child care center or the child care home. However, the site may include the county in which the child care provider is located."**

Page 2, between lines 24 and 25, begin a new paragraph and insert:  
 "SECTION 3. IC 12-17.2-5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

- (1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.
- (2) Provide a smoke detection system that is:
  - (A) hard wired to the building's electrical system; and
  - (B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.
- (3) Provide a fire extinguisher in each room that is used to provide child care services.
- (4) Meet:
  - (A) the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission, **except for any illumination requirements**, in effect at the time the class II child care home provider **initially** applies for licensure; and
  - (B) **the illumination requirements established in section 6.3(b)(2)(D) of this chapter.**
- (5) Provide a minimum of thirty-five (35) square feet for each child.
- (6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.
- (7) Apply for a license before July 1, 1996, or after June 30, 2001.
- (8) Comply with rules adopted by the division of family and children for class II child care homes.

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

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- (1) a class I child care home license; or
- (2) at least one (1) year of experience as a caregiver in a child care home or child care center."

Page 2, line 26, delete "(a)".

Page 2, line 28, delete "." and insert "as follows:

**(1) For a child who is less than eight (8) months of age, the child must be in the caregiver's hearing and line of sight at all times.**

**(2) For a child who is at least eight (8) months of age but less than two (2) years of age, the child must be in the caregiver's line of sight at all times, except that:**

**(A) the child may be asleep outside the caregiver's line of sight as long as the caregiver can hear the child; and**

**(B) the caregiver may attend to personal needs for not more than five (5) minutes as long as the caregiver assures for the safety of the child during that time.**

**(3) For a child who is less than five (5) years of age, the child may not be left inside the premises or outside the premises while in the care of the caregiver without supervision by the caregiver."**

Page 2, delete lines 29 through 33.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 420 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Engrossed Senate Bill 420.

LAWSON C

SENATE MOTION

Madam President: I move that Senate Bill 420, which is eligible for third reading, be returned to second reading for purposes of amendment.

LAWSON C

SENATE MOTION

Madam President: I move that Senate Bill 420 be amended to read as follows:

Page 2, line 22, delete "center or the child care".

Page 2, line 23, delete "provider" and insert "**home**".

Page 4, line 22, delete "as follows:" and insert "**by ensuring the child is in the caregiver's hearing or line of sight at all times. However, for a child who is less than eight (8) months of age, the child must be in the caregiver's hearing and line of sight at all times, except that the caregiver may attend to personal needs for not more than five (5) minutes as long as the caregiver assures for the safety of the child during that time.**".

Page 4, delete lines 23 through 37.

(Reference is to SB 420 as printed January 28, 2005.)

LAWSON C

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 420, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-13-14.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. One (1) time every ~~six (6)~~ **three (3)** months, the division shall submit a report to the budget committee and to the ~~general assembly~~ **legislative council** that provides data and statistical information regarding caseloads for each county for child protection caseworkers, child welfare caseworkers and other caseworkers under the jurisdiction of the division of family and children, department of family and social services during the preceding ~~six (6)~~ **three (3)** months. A report submitted under this section to the ~~general assembly~~ **legislative council** must be in an electronic format under IC 5-14-6.

SECTION 2. IC 12-13-14.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. (a) This section applies after June 30, 2008.**

**(b) A child protection caseworker or a child welfare caseworker may not be assigned work that exceeds the following maximum caseload levels at any time:**

- (1) For caseworkers assigned only initial assessments, including investigations of an allegation of child abuse or neglect, twelve (12) active cases per month per caseworker.**
- (2) For caseworkers assigned only ongoing cases, seventeen (17) active families per caseworker.**
- (3) For caseworkers assigned a combination of initial assessments and ongoing cases under subdivisions (1) and (2), four (4) assessments and ten (10) active ongoing cases per caseworker.**

**(c) The local child protection service shall comply with the maximum caseload ratios described in subsection (b)."**

Page 1, line 8, strike "IC 5-2-5-15" and insert "**IC 10-13-3-39**".

Page 4, line 23, delete "However, for a child who is less than eight (8)".

Page 4, delete lines 24 through 27, begin a new paragraph and insert:

"SECTION 7. IC 31-33-2-2 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a)** The local child protection service:

- (1) must have sufficient qualified and trained staff to fulfill the purpose of this article;
- (2) must be organized to maximize the continuity of responsibility, care, and service of individual caseworkers toward individual children and families;
- (3) must provide training to representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and
- (4) must provide training to representatives of the child protective services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an investigation of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article I, Section 11 of the Constitution of the State of Indiana.

**(b) This section expires June 30, 2008.**

SECTION 8. IC 31-33-2-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. **(a) This section applies after June 30, 2008.**

**(b) The local child protection service:**

- (1) must have sufficient qualified and trained staff to:**
  - (A) fulfill the purpose of this article; and**
  - (B) comply with the maximum caseload ratios for:**
    - (i) child protection caseworkers; and**
    - (ii) child welfare caseworkers;**
- set forth in IC 12-13-14.5-3.5;**
- (2) must be organized to maximize the continuity of responsibility, care, and service of individual caseworkers toward individual children and families;**
- (3) must provide training to representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and**
- (4) must provide training to representatives of the child protective services system regarding the constitutional rights**

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of the child's family, including a child's guardian or custodian, that is the subject of an investigation of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article 1, Section 11 of the Constitution of the State of Indiana.

SECTION 9. [EFFECTIVE JULY 1, 2005] (a) The division of family and children shall submit a report to the legislative council and the health finance commission established by IC 2-5-23-3 that contains statistics concerning the education levels and salaries of all:

- (1) child protection caseworkers and child welfare caseworkers; and
- (2) child protection caseworker and child welfare caseworker supervisors;

not later than September 1, 2005.

(b) The report required by subsection (a) must be in an electronic format under IC 5-14-6.

(c) This SECTION expires December 31, 2005."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 420 as reprinted February 8, 2005.)

BUDAK, Chair

Committee Vote: yeas 9, nays 0.

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